Canadian Food Inspection Agency | Agence canadienne d'inspection des aliments

Understanding the

Safe Food for Canadians Regulations

A Handbook for Food Businesses

Canada

Disclaimer

On January 15 2019, the Safe Food for Canadians Act (SFCA) and the Safe Food for Canadians Regulations (SFCR) will come into effect.

- Certain requirements for some foods or businesses will not apply on this date. Learn more about timelines.
- If there are inconsistencies between the information found here and a related regulatory requirement, the requirement is what will apply to businesses. Please let us know if you find any such inconsistency by commenting on the resources.
- Until January 15 2019 current information and requirements (that will be replaced by the SFCA and SFCR) continue to apply.

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(Canadian Food Inspection Agency), 2018.
CFIA P0965E-18
Catalogue No.: A104-142/2018E-PDF
ISBN: 978-0-660-26985-6
Aussi disponible en français

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Introduction

Purpose of the handbook

1. The handbook provides a general overview of the Safe Food for Canadians Regulations (SFCR) to help you:
   - review and navigate through the SFCR, and
   - access other important electronic guidance materials to help you understand how these requirements impact your business.

Intended audience

2. The handbook is intended for food businesses, including exporters and importers, who need to comply with the SFCR when they come into force on January 15th, 2019.

3. The SFCR and the Safe Food for Canadians Act (SFCA) cover imported, exported, or inter-provincially traded food products. Some provisions of the SFCA and SFCR also apply intra-provincially.

Improving food safety in Canada

4. The safety of food is vital to all consumers and food businesses. Consumers want to be confident that the food they buy and eat is what they expect, and that it will cause them no harm. Consumer confidence is very important for food businesses.

5. Food safety affects all Canadians. It is the responsibility of all food businesses, no matter how large or small, to ensure anyone who is importing, exporting, manufacturing, processing, treating, preserving, grading, packaging, or labelling the food has not compromised food safety.

6. As a food business, you should familiarize yourself with the SFCA. The SFCA received royal assent (became law in Canada) in November 2012. It establishes a modern legislative framework for the safety of food commodities. The Act, which will fully come into force on January 15th, 2019, when the SFCR are adopted, marks an important first step in the transformation of Canada's food safety system.

Why change?

7. The Canadian Food Inspection Agency (CFIA) is a global leader in regulating food, animal and plant health and safety. The existing control system has served us well, but it was developed decades before the creation of the CFIA, when most Canadian food originated in Canada, food technology was less evolved, and supply chains were simple. As risks to food, animal health and plants have changed considerably and continue to change rapidly, the Agency must continue to adapt and be more efficient and responsive while supporting Canada's ability to compete in the global market. These changes position the Agency as a nimble, responsive regulator.

8. By consolidating 14 sets of existing food regulations into a single set of regulations, the SFCR
   - improves consistency of rules across all types of foods, and between food businesses
   - reduces administrative burden, and
   - enables food businesses to be innovative through outcome-based provisions

9. A list of the 14 regulations, which will be repealed when the SFCR come into force, is found in Annex A.

How does my business benefit?

10. The SFCR are aligned with internationally recognized standards, such as CODEX Alimentarius, for food safety and consumer protection requirements.

11. As a result of these regulations, food businesses subject to the SFCR are better able to:
    - use innovative technology
    - prevent foodborne illness outbreaks, and
    - rapidly remove unsafe food from the market when incidents occur

Roles and responsibilities

12. As a food business that is subject to the SFCR, you are responsible for the following
    - ensuring food you prepare domestically, import, or export is safe and meets the regulatory requirements
    - ensuring food is of a nature, substance and quality that complies with compositional and grade requirements, and
    - ensuring food is labelled, advertised and presented in a way that is not false or misleading and meets the regulatory requirements

13. It is the role of the CFIA to
    - verify compliance with regulatory requirements within its mandate through inspection and surveillance activities
    - take appropriate compliance and enforcement action, as deemed appropriate, when non-compliance is found
    - assist food businesses in understanding how to comply with all applicable federal food legislation and regulations

For more information refer to following CFIA web pages: Regulatory compliance, What to expect when inspected, and Compliance and enforcement.

14. Provincial and territorial authorities continue to enforce their applicable legislation for food. This will not change as a consequence of the SFCR. The CFIA continues to work closely with its provincial and territorial partners to help improve consistency and move towards a more national approach to food safety in Canada.

What other federal legislation applies to food?

15. Once the SFCA is fully in force, the following legislative regimes will apply to food in Canada within the CFIA mandate:
    - The Food and Drugs Act (and the Food and Drug Regulations), will continue to apply to all food sold in Canada.
    - The SFCA and the SFCR mainly apply to food that is imported, exported and traded inter-provincially. Some requirements may also apply to certain food sold intra-provincially (refer to item 18).

16. CFIA could also issue Administrative Monetary Penalties (AMPs), which are issued under the authority of the Agriculture and Agri-Food Administrative Monetary Penalties Act and Regulations (AAAMPA and AAAMPR). AMPs are part of a range of compliance and enforcement tools that the CFIA will use to encourage compliance with federal legislation and regulations it enforces. For more information refer to the CFIA's Compliance and Enforcement Operational Policy.

Overview of the Safe Food for Canadians Regulations (SFCR)

- What is the scope of the SFCR?
- What are the fundamental new elements of the SFCR?
- Incorporation by reference

What is the scope of the SFCR?

17. The SFCR generally applies to food for human consumption (including ingredients) that is imported, exported, or inter-provincially traded for

commercial purposes. It also applies to the slaughter of food animals from which meat products to be exported or inter-provincially traded may be derived.

18. Some of the traceability, labelling and advertising, and grading provisions also apply to intra-provincially traded foods. Refer to Part 5, Part 11, and Part 12 within this handbook for more details.

19. The Safe Food for Canadians Act (SFCA) and SFCR **do not** apply to the following

- food carried on a conveyance, for example ferries, airlines, trains, for use by crew and passengers
- food intended and used for analysis, evaluation, research or exhibitions, weighing 100 kg or less, or in the case of eggs, is part of a shipment of five or fewer cases that are each intended to contain 30 dozen eggs
- food not sold for use as human food (for example pet food, cosmetics), and labelled as such
- foods imported from the United States onto the Akwesasne reserve, for use by a permanent resident of the reserve
- foods imported in bond (in transit) for use by crew and passengers of a cruise ship or military ship in Canada
- food inter-provincially traded between federal penitentiaries

20. Such food must still be safe and meet applicable requirements of the Food and Drugs Act and the Food and Drug Regulations.

What are the fundamental new elements of the SFCR?

21. While there are many provisions in the SFCR which will be covered later in this handbook, there are three fundamental new elements that are of particular interest to most food businesses. They include the following

1. Licensing (Part 3): This Part enables the CFIA to: authorize persons to conduct certain activities through licensing; identify food businesses, collect information about the activities of food businesses; and take responsive action when non-compliant activities are found.

2. Preventive Controls (Part 4): This Part describes key food safety control principles that must be met by all food businesses. It also outlines the requirements for developing, implementing, and maintaining a written preventive control plan that documents how food businesses meet food safety, humane treatment and consumer protection requirements (for example, for labelling, packaging, standards of identity, grades, and net quantity).

3. Traceability (Part 5): This Part requires that food be traced forward to the immediate customer and backward to the immediate supplier (one step forward, one step back).

Incorporation by reference

22. There are 17 documents incorporated by reference into the SFCR. The content of these documents are considered law when the regulations come into force on January 15th, 2019, but they are maintained outside of the regulations. There are 11 documents prepared by the CFIA and 6 documents prepared by third parties.

23. Documents that are incorporated by reference have the flexibility to be changed and updated to reflect advances in science, innovation, and global trade agreements. It is the CFIA's policy to consult food businesses and interested parties prior to making changes to the documents prepared by the CFIA which are incorporated by reference.

Summary of the parts of the Safe Food for Canadians Regulations (SFCR)

- Part 1: Interpretation
- Part 2: Trade
- Part 3: Licences
- Part 4: Preventive Controls
- Part 5: Traceability
- Part 6: Commodity-specific Requirements
- Part 7: Recognition of Foreign Systems
- Part 8: Ministerial Exemptions
- Part 9: Inspection Legends
- Part 10: Packaging
- Part 11: Labelling
- Part 12: Grades and Grade Names
- Part 13: Organic Products
- Part 14: Seizure and Detention
- Part 15: Transitional Provisions
- Part 16: Consequential Amendments, Repeals and Coming into Force

Part 1: Interpretation

Summary

24. This Part contains the definitions of key terms used in the regulations.

25. The definitions in Part 1 apply throughout the SFCR, including documents prepared by the CFIA that are incorporated by reference.

Learn more on key topics

Refer to the Safe Food for Canadians Regulations: Glossary of key terms for definitions of terms commonly used in the SFCR and associated guidance materials.

Application of definitions

26. There are additional definitions found at the beginning of other Parts of the Regulations or within the incorporated by reference documents. Those definitions are specific to that Part only and do not have the same meaning if the term is mentioned in other Parts of the SFCR or other incorporated by reference documents.
    - For example, the definitions found in Part 6, Division 7 (Commodity-specific Requirements, Division 7 Meat Products and Food Animals) are specific only to Division 7.

27. Some definitions in Part 1 apply only to one type of food. In these cases, the definition only applies to the specified food. For example:
    - the definition for "ready-to-eat" applies only in respect of edible meat products
    - the definition for "tray" applies only in respect of eggs

Definitions not found in the SFCA or SFCR

28. When a definition is not found in the Safe Food for Canadians Act (SFCA) or SFCR, the term takes on its plain and ordinary meaning in the applicable context. Where unclear, the commonly understood meaning or the dictionary definition of the term is taken into consideration.

Additional information on key terms

Establishment

29. The SFCA defines "establishment" as meaning "any place, including a conveyance where a food is manufactured, prepared, stored, packaged, or labelled". The definition of establishment is quite broad, and extends beyond the physical structure. It includes conveyances on which certain activities are conducted or open areas that are not contained by a building (for example, fields). A **conveyance** is considered an "establishment" when the food is manufactured,

prepared, stored, packaged, or labelled in the conveyance. For example: a fishing vessel that processes, freezes, and packages scallops.

Prepare

30. The SFCA defines "prepare", in respect of a food commodity, as meaning "include to process, treat, preserve, handle, test, grade, code or slaughter it or to do any other **activity** in respect of it that is prescribed." In the SFCR, growing and harvesting of fresh fruits or vegetables, is also a prescribed acxzxtivity under the definition of "prepare." This means growing and harvesting is included anytime the term "prepare" is used in the SFCR.

"Manufacture, process, treat, preserve, grade, package, or label"

31. Refer to the Food business activities that require a licence under the Safe Food for Canadians Regulations guidance material to determine whether your business practices are considered to be manufacturing, processing, treating, preserving, grading, packaging, or labelling. These terms are also defined in the Safe Food for Canadians Regulations: Glossary of key terms.

Differences between key terms

Document and record

32. "Document" is a broad term that can include many different types of information, for example, a scheduled process. A record is a type of document that is kept as proof that something happened, for example, complaints received or monitoring a piece of equipment. What are commonly known as records are covered by the broader term "document."

Conveyance, conveyance or equipment, facility, and facility or conveyance

33. Refer to the Safe Food for Canadians Regulations: Glossary of key terms to help you to understand the difference between these terms. Briefly:

- The SFCA defines **"conveyance"** as meaning "a vessel, aircraft, train, motor vehicle, trailer or other means of transportation, including a cargo container."

Although the following terms/phrases are not specifically defined in the SFCA nor SFCR, in general terms, when used in Part 4 of the SFCR (Preventive Controls) they refer to the following

- **Conveyance or equipment** refers to anything that is used **within** the establishment to transport or manufacture, prepare, store, package, or label food or slaughter a food animal. For example, a forklift used to transport materials within the establishment.
- **Facility** refers to the physical structure or building **within** an establishment where a person is
  - o manufacturing, preparing, including growing or harvesting fresh fruits or vegetables, storing, packaging or labeling food
  - o slaughtering a food animal
  - o storing and handling a meat product in its imported condition

  For example, a processing plant.
- **Facility or conveyance** refers to the physical structure or means of transportation **within** the establishment where
  - o a food is manufactured, prepared, including growing or harvesting fresh fruits or vegetables, stored, packaged or labelled
  - o food animals are slaughtered
  - o meat products are stored in their imported condition

For example, a packing shed for fresh fruits or vegetables or a shack where maple syrup is prepared.

Person **and "individual"**

34. When the term "individual" is used, the scope of the definition is limited to one individual as opposed to an organization. The term "person" is defined more broadly and its meaning can range from one individual to one organization.

Consumer prepackaged**, "prepackaged other than consumer prepackaged" and** prepackaged

35. "Consumer prepackaged" foods are in their final packaging, and ready for sale to an **individual** to be used for non-commercial purposes.

    The term "prepackaged other than consumer prepackaged" food includes food packaged in shipping or other bulk containers and usually sold to a **person** rather than an individual and for commercial purposes (see above clarification on the term "person" in item 34.

    A "prepackaged" food can include both of those: consumer prepackaged foods or prepackaged other than consumer prepackaged foods.

The term "prepackaged product" is defined in the Food and Drug Regulations (FDR) and is closely aligned with the SFCR definition of "prepackaged" food. For a comparison between the SFCR terms described above and the FDR definition of a "prepackage product", refer to Definition of "prepackaged" and "consumer prepackaged".

Resources

- Safe Food for Canadians Regulations: Glossary of key terms
- Definition of "prepackaged" and "consumer prepackaged"

Part 2: Trade

Summary

36. Part 2 establishes **who** needs to be licensed by the Canadian Food Inspection Agency (CFIA). It also sets the rules around trading food internationally and inter-provincially. This Part includes information on

    - the foods and activities for which a licence is required and by when, as well as any exceptions

      o Note: Part 3 (Licensing) and Part 15 (Transitional Provisions) also contain information on licensing

    - general food safety requirements for all food traded internationally and inter-provincially
    - imports, including requirements related to information that must be provided to the CFIA in order import food, and non-resident importer requirements
    - exports, including requirements relating to export of non-compliant food, and how to obtain an export certificate,
    - exceptions from the SFCR, for example food for personal use, food that is not intended or sold for use as food, bonded shipments
    - non-application of some requirements for foods that are a mixture of a food and ready to eat meat

Learn more on key topics

Address requirements for importing food

37. If you are an importer, the SFCR permits you to import food without a Canadian address (fixed place of business) as long as you

    - have an address (fixed place of business) in a foreign country that has a food safety system assessed and recognized as providing the same level of protection; and

- import the food to Canada directly from the foreign country in which you carry out your business

Exported food

38. In general, food that is exported must meet SFCR requirements. However, a person is permitted to export a food that meets a foreign country's requirement that is different from the SFCR requirement, only if the food was prepared by a licence holder under sanitary conditions. The person is required to keep written documents that substantiate the foreign requirements have been met and the food must be clearly labelled for export as described in the SFCR.

39. If a foreign country does not have a requirement for non-food safety elements such as compositional standards, grades or container sizes, the food that is exported can meet the specifications of a foreign buyer instead of the specific requirement in the SFCR.

Return of exported food to Canada

40. If a food needs to be returned (in its exported condition), it must be returned to the licence holder or the person who prepared the food.

41. The return of meat products needs to be authorized by a CFIA inspector **before** it is returned. The licence holder will store and handle the product in its imported condition.

Mixing of contaminated and uncontaminated food

42. Mixing contaminated product with non-contaminated product is an unacceptable practice, unless you are authorized to do so by the CFIA.

Resources

- Licensing interactive tool
- Licensing
- Food imports
- Food exports
- Timelines

Part 3: Licences

Summary

43. There are two divisions within Part 3:

- **Division 1: General**

  o the application requirements for the issuing, renewing and amending of a licence and rules relating to work shifts for slaughtering food animals and conducting regulated activities relating to meat products, and

  o requirements related to suspension and cancellation

  - Note: Part 2 (Trade) contains information on who needs a licence and Part 15 (Transitional Provisions) contains information on when food businesses will be required to obtain a licence

- **Division 2: Inspection Services – Food Animals and Meat Products**

  o requirements related to inspection stations, hours of inspection and inspection services outside of workshifts for the purpose of obtaining a licence to slaughter food animals and conduct regulated activities relating to meat products.

Learn more on key topics

Why licences are needed

44. A licence authorizes a food business to conduct an activity identified in their licence and enables the CFIA to know who those persons are, and communicate directly with them.

How to apply for a licence

45. For the latest information on obtaining a licence, refer to the Licensing.

Part 4: Preventive Controls

Summary

46. Part 4 contains the majority of the food safety provisions in the SFCR.

Part 4 covers two key concepts:

- Preventive Controls

  o Preventive controls refer to a combination of measures that form a system to control risks to food and to humane treatment of food animals during slaughter activities.

  - The preventive controls related to food safety are based on the internationally accepted CODEX Alimentarius General Principles of Food Hygiene CAC/RCP 1-1969 PDF (176 kb).

  - The preventive controls related to the humane treatment of food animals from which meat products are derived are aligned with the recommendations of the World Organization for Animal Health's Terrestrial Animal Health Code – Slaughter of Animals.

  o The SFCR preventive controls requirements apply to licence holders as well as persons who may not need a licence to conduct their activities. For example, the preventive control requirements apply to growers and harvesters of fresh fruits or vegetables and persons who handle fish in a conveyance for export or interprovincial trade; however these activities do not always trigger the need for a licence.

  o To learn more about if and when you need to comply with the preventive control requirements refer to the SFCR timeline

- Preventive Control Plan (PCP)

  o A preventive control plan is a written document that details how risks to your food and to the humane treatment of food animals are identified and controlled. The PCP also includes elements relating to packaging, labelling, grading, and standards of identity.

  o Under sections 86 to 89 of the SFCR, food businesses are required to prepare, keep and maintain a written PCP, with exceptions for some small businesses.

  - Part 15 (Transitional Provisions) outlines the phased implementation approach that gives certain businesses more time to develop a PCP.

  - To learn more about if and when you need to comply with the preventive control plan requirements refer to the Preventive control plan interactive tool.

47. There are six divisions within Part 4

- **Division 1: Interpretation and Application**

  o Provides the definitions specific to Part 4 and its application

- **Division 2: Biological, Chemical and Physical Hazards**

  o Requires the determination and control of all biological, chemical and physical hazards that present a risk of contamination to the food.

- **Division 3: Treatments and Processes**

  o Requires a scheduled process to be applied to a low-acid food packaged in a hermetically sealed container if it is not kept refrigerated or frozen after processing

- **Division 4: Maintenance and Operation of Establishment**

  o Requires that establishments be maintained and operated in a way that meets the preventive control requirements in sections 50 to 81

  o Subdivision A: Responsibility of Operator

  - Requires an operator to maintain and operate an establishment so that the requirements of sections 50 to 81 are met

  o Subdivision B: Sanitation, Pest Control and Non-Food Agents

  - Requires that sanitation be conducted in a manner that does not present a risk of contamination to the food

- Requires that pests be excluded from the establishment
- Requires that non-food agents, such as lubricating oils and cleaning chemicals, be identified, suitable and used in a manner that does not present a risk of contaminating the food

o Subdivision C: Conveyances and Equipment

- Requires that conveyances and equipment be designed, constructed, and maintained to prevent contamination

o Subdivision D: Conditions Respecting Establishments

- Requires that the outside and the inside of the facility are maintained to prevent or control sources of contamination

- Requires secure footing for food animals

- Requires facilities (e.g. hand cleaning and sanitizing stations) to permit hygienic employee practices

o Subdivision E: Unloading, Loading and Storing

- Requires that loading and unloading be conducted in a way that does not contaminate the food
- Requires that the food and its ingredients, packaging, and labels be protected from contamination during storage

o Subdivision F: Competency

- Requires that workers be trained and knowledgeable about safe food handling practices and processing (as appropriate to their role)

o Subdivision G: Hygiene

- Requires that appropriate clothing and, if applicable, hairnets, beard nets, gloves, etc. be worn when handling food
- Requires that anyone suffering from a condition that could contaminate food to be excluded from areas of the establishment where food is handled

- **Division 5: Investigation, Notification, Complaints, and Recall**
  - o Requires an investigation if a potential non-compliance or food safety issue is identified
  - o Requires immediate CFIA notification and action when there is a risk to human health
  - o Requires that written procedures be in place to handle and investigate complaints
  - o Requires that written recall procedures be in place and tested to remove any affected foods from the distribution chain

- **Division 6: Preventive Control Plan**
  - o Requires a licence holder to prepare, keep and maintain a written preventive control plan that meets the requirements of section 89 for any activity identified in their licence that they conduct in respect of a food or food animal
  - o Provides exceptions to PCP requirements

Learn more on key topics

How to conduct a hazard analysis

48. Refer to the following guidance materials for examples and resources to help you identify potential hazards
    - Categories of hazards
    - Conducting a hazard analysis
    - Section 3 – Hazards identification, analysis, and control measures of Regulatory requirements: Preventive controls
    - A guide for preparing a preventive control plan – for domestic food businesses
    - Preventive control templates – For domestic food businesses and exporters

More information on hazards may be provided by provincial authorities and companies that specialize in hazard analysis.

Preventive control plans and exporting

49. As an exporter, you need a written preventive control plan if you require an export certificate or other export permission, such as being on an export eligibility list, from the CFIA. If a certificate is not required and your activity is limited only to exporting the food, for example, if you are a broker, then you do not need a written preventive control plan. For more information refer to Exporting Food: A step-by-step guide.

Resources

- Preventive control plan interactive tool
- Preventive controls for food businesses
- Preventive control plan (PCP)

Part 5: Traceability

Summary

50. The traceability requirements are based on Codex Alimentarius principles – tracing of food forward to the person to whom the food was provided and back to the immediate supplier.

51. This Part outlines the requirements on the following:
    - who needs to comply with the traceability requirements
    - what information must be set out in traceability documents to identify the food, such as common name of the food and lot code or other unique identifier, as applicable
    - how long traceability documents must be kept, and when the documents must be provided
    - labelling requirements to enable traceability
    - exceptions

Learn more on key topics

Traceability and retailers

52. Some of the traceability requirements apply to persons who sell food to consumers at retail, excluding restaurants or other similar enterprises. Persons who sell food at retail are required to trace the food back to the immediate supplier, but not trace forward to the consumer.

The terms lot code and unique identifier

53. A lot code or other unique identifier is used to identify a defined quantity of food to be traced. The lot code or unique identifier can help you trace affected product in the event of a food safety incident. You are responsible to determine what a lot code or unique identifier represents and how it is represented. For more information, refer to the Fact Sheet: Traceability.

Resources

- Traceability interactive tool
- Traceability for food

Part 6: Commodity-specific Requirements

Summary

54. Part 6 contains additional requirements for certain foods. If your business is not involved in the food commodities listed below, you do not need to consider Part 6.

55. There are seven commodity-specific divisions within Part 6

- **Division 1: Application**
- **Division 2 Dairy Products**
- **Division 3: Eggs**
- **Division 4: Processed Egg Products**
- **Division 5: Fish**
- **Division 6: Fresh Fruits or Vegetables**
- **Division 7: Meat Products and Food Animals**

56. There are also commodity-specific packaging, labelling, and grade provisions in Parts 10, 11 and 12 of the SFCR, as well as the Beef, Bison, and Veal Carcass Grade Requirements, the Canadian Grade Compendium and the Canadian Standards of Identity.

Division 1: Application

57. The requirements in Part 6 apply to

- food that may be
  - o traded inter-provincially
  - o imported or
  - o exported
- and to any food animals from which meat products are derived that may be
  - o traded inter-provincially or
  - o exported

Division 2: Dairy

58. This division sets out the additional requirements for any raw milk or raw cream used in preparing a dairy product sent or conveyed from one province to another or exported which must meet the applicable requirements of the legislation of the province where the dairy product is prepared.

Resources

- Regulatory requirements: Dairy products
- Food-specific requirements and guidance – Dairy products

Division 3: Eggs

59. This division sets out the conditions for pasteurizing eggs and trading graded and ungraded eggs.

Resources

- Regulatory requirements: Eggs
- Food-specific requirements and guidance – Egg and processed egg products

Division 4: Processed Egg Products

60. This division sets out the conditions for processing, and treating eggs. It also sets out the conditions for processing, treating and trading processed egg products.

Resources

- Regulatory requirements: Processed egg products
- Food-specific requirements and guidance – Egg and processed egg products

Division 5: Fish

61. This division sets out the

- import prohibitions for certain species,
- import requirements for live or raw shellfish (refer also to item 64)
- conditions for harvesting shellfish that is to be sent or conveyed from one province to another or exported

Resources

- Regulatory requirements: Fish
- Food-specific requirements and guidance – Fish

Division 6: Fresh Fruits or Vegetables

62. This division focuses mainly on

- definitions that apply only to this division
- grade requirements for apples, potatoes, onions and other fresh fruits or vegetables imported from the United States
- grade requirements for apples and potatoes imported from countries other than the United States
- certification requirements for imported apples, potatoes and onions establishing that grading, packaging, labelling and container size requirements are met
- exemption of small shipments of imported apples, potatoes and onions (not more than 15 containers each with an aggregate net weight of not more than 250 kilograms each) from the certification requirement
- in transit shipments of fresh fruits or vegetables from the United States
- requirement for a Dispute Resolution Corporation (DRC) membership for exemption from the trade prohibitions of this division
- request for an inspection of damaged or defective fresh fruits or vegetables

Resources

- Regulatory requirements: Fresh fruits or vegetables
- Food-specific requirements and guidance – Fresh fruits or vegetables

Division 7: Meat Products and Food Animals

63. This division sets out the requirements for

- Subdivision A: Interpretation
- Subdivision B: Edible Meat Products
- Subdivision C: Humane Treatment
- Subdivision D: Removal and Keeping
- Subdivision E: Ante-mortem Examination and Inspection
- Subdivision F: Slaughtering and Dressing
- Subdivision G: Post-mortem Inspection and Examination
- Subdivision H: Inedible Meat Products
- Subdivision I: Treatment
- Subdivision J: Post-mortem Programs
- Subdivision K: Food Animal Information Documents and Document Keeping
- Subdivision L: Import and Export

Resources

- Food-specific requirements and guidance – Meat products and food animals

Part 7: Recognition of Foreign Systems

Summary

64. Part 7 sets out the requirements for the recognition (by the CFIA) of a foreign state's inspection system and recognition of an establishment within that foreign state. These requirements include the application, recognition, suspension, and cancellation of the recognition. Currently, this Part only applies to meat products and live or raw shellfish. Part 6, Division 5 also provides requirements for foreign recognition in relation to live and raw shellfish.

Learn more on key topics

65. To better understand the requirements for recognition of foreign food safety systems, refer to the Foreign Food Safety Systems Recognition Framework.

Part 8: Ministerial Exemptions

Summary

66. Part 8 outlines the conditions for obtaining an exemption to some requirements of the SFCA or SFCR. If granted, the exemption will

- in respect of a food, allow the person to be exempted from the application of a requirement of the SFCA or SFCR to import it, trade it inter-provincially, or market it in Canada for the following reasons

  1. to alleviate a shortage in Canada in the available supply of a food that is manufactured, processed or produced in Canada or
  2. to test market a food.

- in respect of a carcass or carcass side, allow a licence holder to slaughter food animals and to process meat products and refrigerated it without the application of the inspection legend in the same establishment where the animals were slaughtered

67. Ministerial exemptions may be granted only when the following conditions are met

- the information submitted in the application is complete, truthful and not misleading
- no risk of injury to human health will result; and
- in respect of a food, the food meets specific requirements, for example, must be edible and not contaminated, and;

  o for an application for the purpose of alleviating a shortage, proof is given that the exemption is necessary to alleviate that shortage, or

  o for an application for the purpose of test market, the exemption would not confuse or mislead the public, or disrupt normal trading or food pricing patterns

- in respect of a carcass or carcass side
  o it will be processed within the same establishment where the food animal was slaughtered and is identified to allow it to be linked with any edible meat products derived from it. The licence holder has procedures for this linkage process in place and keeps documents for each linkage

  o no risk of harm to interprovincial trade or export will result

68. Ministerial exemptions and test markets are valid until the date indicated in the exemption, or when no date is indicated, two years.

Learn more on key topics

Transition of current ministerial exemptions and test markets

69. Ministerial exemptions and test markets issued under existing legislation before the SFCA comes fully into force will remain valid

until their expiry dates unless cancelled by the Minister. The Minister may cancel an exemption if the Minister is of the opinion that the food poses a risk to human health or to interprovincial or export trade; or the person who received the exemption does not comply with the condition thereof. Once the ministerial exemption or test market is expired, the food will have to comply with the SFCR.

Resources

- Ministerial exemptions
- Test market authorization
- Ministerial exemptions for alleviating a shortage in Canada

Part 9: Inspection Legends

Summary

70. This Part sets out the conditions for applying and using inspection legends in connection with edible meat products, fish and processed egg products. The inspection legends shown in Schedule 2 of the SFCR are trademarks owned by the CFIA and can only be used as indicated in this Part.

71. Additional requirements for applying inspection legends include applying the legend to a carcass or carcass side before refrigeration (section 151) and applying the legend to a food before it is exported or traded inter-provincially (section 258, 282, 287).

Learn more on key topics

Transition of inspection legends

72. Once the SFCA and SFCR come into force on January 15th, 2019, you will be permitted to use the former inspection legend for up to three years.

Resources

- Food-specific requirements and guidance – Meat products and food animals

Part 10: Packaging

Summary

73. Part 10 covers the requirements for food packages.

There are three divisions within Part 10

- **Division 1 – General**
  - o General packaging requirements, including requirements for a package to be clean, and suitable for its intended use, and free from odours that might affect the food
- **Division 2 – Standard Container Sizes**
  - o Including weight or volume requirements and references to applicable Schedules of the SFCR
- **Division 3 – Standards for Fill for Processed Fruit or Vegetable Products**

Resources

- Packing food in containers

Part 11: Labelling

Summary

74. Part 11 combines the food labelling requirements from the Consumer Packaging and Labelling Act and its Regulations, Canada Agricultural Products Act and its Regulations, Meat Inspection Act and its Regulations and the Fish Inspection Act and its Regulations.

The labelling requirements under the Food and Drugs Act and Food and Drug Regulations will continue to apply.

75. There are four divisions within Part 11

- **Division 1: General**
  - o Key definitions for Part 11
  - o Interpretation of false, misleading or deceptive labelling
  - o Labelling requirements when standards are prescribed for food
  - o Official language requirements
  - o Legibility and type size requirements

- **Division 2: Requirements Applicable to Prepackaged Food**
  - o This division applies to intra-provincially traded foods
  - o Basic labelling requirements for all prepackaged food
  - o Labelling requirements for consumer prepackaged foods
    - from the Consumer Packaging and Labelling Act and the Consumer Packaging and Labelling Regulations.

- **Division 3: Specific Requirements for Certain Foods**
  - o Labelling requirements from the commodity-specific requirements from regulations under Canada Agricultural Products Act, Meat Inspection Act and Fish Inspection Act

- **Division 4: Exceptions**
  - o Sets out exceptions from labelling requirements

Resources

- Labelling, standards of identity and grades

Part 12: Grades and Grade Names

Summary

76. This Part sets out the requirements for using and applying grades and grade names for certain foods.

There are six divisions within Part 12

- **Division 1 – Interpretation**
  - o Definitions that apply to this Part
- **Division 2 – Grade Names**
  - o Provides the definition of grade name
- **Division 3 – Grading**
  - o Sets out the food commodities that require mandatory and optional grading and exceptions if they are sent or conveyed from one province to another, imported or exported
  - o Provides the conditions to apply or use a grade name
- **Division 4 – Packaging and Labelling**
  - o Includes specifications for how the grade name and related information (for example size designation) must be shown on the carcass, label or container if applicable

- **Division 5 – Conditions for Grading of Certain Foods**
  - o Additional specifications for eggs, livestock and poultry carcasses
- **Division 6 – Grading Certificates**
  - o Provides conditions for issuance and contents of grading certificates

77. The grade names and grade requirements can be found in two documents that have been incorporated by reference.

1. The Beef, Bison, and Veal Carcass Grade Requirements (The Grades Document) – the Canadian Beef Grading Agency (CBGA) maintains and hosts the document, according to conditions outlined in a Memorandum of Understanding between the CBGA and the CFIA.

2. The Canadian Grade Compendium – it consolidates all other Canadian grade requirements is organized by commodity.

Learn more on key topics

Grading eggs

78. A licence is necessary in order to meet provincial requirements for grading, even if the food is only traded intra-provincially (for example, grading eggs)

Resources

- Labelling, standards of identity and grades

Part 13: Organic Products

Summary

79. The main intent of Part 13 is to include the requirements of the Organic Products Regulations, 2009 formed under the Canada Agricultural Products Act.

80. The organic requirements include
- food for human consumption
- plant and animals, or any of their parts from which food is derived
- feeds
- seeds

The organic requirements also include organic aquaculture products, which need to be certified in accordance with the organic aquaculture standard.

81. The standards for organic products can be found in documents that have been incorporated by reference. These are listed in Annex B.

Learn more on key topics

Certification body authorities

82. The certification body has the authority to verify compliance of methods and control mechanisms in place to ensure that they meet the requirements set out in the Canada Organics Standards, as part of the product certification to allow organic integrity to be maintained along the entire supply chain.

Resources

- Organic products

Part 14: Seizure and Detention

Summary

83. This Part consolidates the existing food regulations related to the seizure and detention of foods.

84. This Part also contains requirements for the use of detention tags, notices of detention, and notices of release.

Part 15: Transitional Provisions

Summary

85. Part 15 sets out the transitional provisions from the current regulations to the SFCR, for certain foods and for certain persons.

Learn more on key topics

Who is eligible for additional time to comply with the SFCR

86. Part 15 describes a phased implementation approach with respect to licensing, preventive controls, preventive control plan, and/or traceability requirements for certain foods and/or persons. The amount of additional time given to comply with the specified requirements (up to 30 months) depends on the following
    - the person, for example, a person who grows and harvests fresh fruits and vegetables
    - the size of business, for example, a person with gross sales derived from food less than $100,000 for a specified period of time
    - the type of food, for example, coffee, tea, cookies

87. In addition, Part 15 describes the 24 month transition period for certification of organic aquaculture products. Certification of these organic products will be available to the aquaculture industry, if requested, during the 24 month transition.

Compliance of pre-SFCR products

88. Part 15 also sets out that foods that are compliant under previous legislation will be considered to be compliant under the SFCR on January 15th, 2019, in relation to the activities that were conducted prior to that date. Activities that are conducted after January 15th, 2019, must be compliant with the SFCR.

Resources

- Timelines
- Licensing interactive tool
- Preventive control plan interactive tool
- Traceability interactive tool

Part 16: Consequential Amendments, Repeals and Coming into Force

Summary

89. Part 16 sets out that, among other things, the following Regulations will be repealed when the SFCR come into force
    - regulations made under the Canada Agricultural Products Act
    - Meat Inspection Regulations, 1990
    - Fish Inspection Regulations
    - the food requirements of the Consumer Packaging and Labelling Regulations

Key changes between the pre-published and final versions of the Safe Food for Canadians Regulations (SFCR)

90. The Canadian Food Inspection Agency examined and analyzed over 1717 written submissions received by various stakeholders during the consultation on the pre-publication of the Safe Food for Canadians Regulations (SFCR). A summary of the key messages from these written submissions can be found in the What We Heard Report.

91. Some of the key changes that resulted from the comments received on the pre-publication of the SFCR are highlighted below. As this list is not exhaustive, it is important for food businesses to review the final regulatory text and associated guidance to understand the requirements that will apply to them.

- Application of the SFCR requirements

  - o Introduced a 6 month transitional coming into force period

  - o Raised the threshold for PCP exemption from $30, 000 to $100, 000 in gross annual sales derived from food

- Clarification of definitions (SFCR Part 1)

  Some definitions were changed to reflect industry practices, for example

  - o "contaminated": edited to expand the scope to anything that may cause injury to human health

  - o "commercial sterility": changed to align with the definition in the Food and Drug Regulations

  - o "game animal": reduced the scope to include only ruminants, pigs, and birds; edited to reflect issuance of hunting licences by competent authorities

  - o moved the definitions of "meat", "meat by-product", and "mechanically separated meat" to a document incorporated by reference

- Preventive controls and Preventive Control Plans (PCPs) (SFCR Part 4)

  - o Improved clarity and increased use of outcome-based language in the preventive controls provisions

  - o Revised text relating to food safety hazards from "prevent or eliminate" hazards to "prevent, eliminate, or reduce to an acceptable level". This aligns with Codex Alimentarius.

  - o Existing animal welfare control program requirements from the Meat Inspection Regulations were incorporated into the SFCR requirements for PCPs

  - o Modified provisions to support improved humane treatment

  - o Included a requirement for operators and importers to document and keep results of recall simulations for two years

- Traceability (SFCR Part 5)

  - o Included a new definition of "unique identifier"

- Organic products (SFCR Part 13)

  - o Limited the scope of oversight required for organic products to only certifying labelling and packaging

- Other

  - o Included a provision to provide CFIA the authority to suspend the recognition of the foreign state's inspection system for meat that are serially non-compliant (SFCR Part 7, Recognition of Foreign Systems)

  - o Introduced a Ministerial Exemption that may permit a licence holder to refrigerate a carcass or carcass side before the application of the inspection legend (SFCR Part 8, Ministerial Exemptions)

  - o Introduced the Post-mortem Defect Management Program for hogs (SFCR Part 6, Division 7, Meat Products and Food Animals)

  - o Included an additional Incorporation by reference document covering Common Names for Prepackaged Fish (IBR)

  - o Included additional provisions to maintain the Destination Inspection Service (DIS) (SFCR Part 6, Division, 6)

Annex A: List of Acts and Regulations that will be repealed when the Safe Food for Canadians Regulations come into force on January 15th, 2019

The following Acts and Regulations are being replaced by the Safe Food for Canadians Act and Safe Food for Canadians Regulations.

Canada Agricultural Products Act

- Dairy Products Regulations
- Egg Regulations
- Fresh Fruit and Vegetable Regulations
- Honey Regulations
- Icewine Regulations
- Licensing and Arbitration Regulations
- Livestock and Poultry Carcass Grading Regulations
- Organic Products Regulations
- Maple Products Regulations
- Processed Egg Regulations
- Processed Products Regulations

Consumer Packaging and Labelling Act (as it relates to food)

- Consumer Packaging and Labelling Regulations (as it relates to food)

Fish Inspection Act

- Fish Inspection Regulations

Meat Inspection Act

- Meat Inspection Regulations, 1990

Annex B: List of documents incorporated by reference into the Safe Food for Canadians Regulations

Maximum Quantity Limits for Personal Use Exemption

Canadian Standards of Identity

- Volume 1 Dairy Products
- Volume 2 Processed Egg Products
- Volume 3 Fish
- Volume 4 Processed Fruit or Vegetable Products
- Volume 5 Honey
- Volume 6 Maple Products
- Volume 7 Meat Products
- Volume 8 Icewine

Fundamentals of the Post-mortem Defect Management Program

Preventive Control Plan Requirements for Biological Hazards in Meat Products

Common Names for Prepackaged Fish

Grade Standard Requirements for Fresh Fruits or Vegetables Imported from the United States

Ante-Mortem Examination and Presentation Procedures for Food Animals

Fundamentals of the Post-Mortem Examination Program

Minimum Drained Weights and Average Drained Weights for Processed Fruit or Vegetable Products in a Hermetically Sealed Package

Units of Measurement for the Net Quantity Declaration of Certain Foods

Beef, Bison, and Veal Carcass Grade Requirements

Canadian Grade Compendium

- Volume 1, Ovine Carcasses and Poultry Carcasses
- Volume 2, Fresh Fruit or Vegetables
- Volume 3, Processed Fruit or Vegetable Products
- Volume 4, Dairy Products
- Volume 5, Eggs
- Volume 6, Honey
- Volume 7, Maple Syrup
- Volume 8, Fish
- Volume 9, Import Grade Requirements

CAN/CGSB 32.310 Standard of the Canadian General Standards Board – Organic Production Systems – General Principles and Management Standards

CAN/CGSB 32.311 Standard of the Canadian General Standards Board – Organic Production Systems – Permitted Substances Lists

CAN/CGSB 32.312 Standard of the Canadian General Standards Board – Organic Aquaculture Standards (Available through the suppliers Techstreet and IHS Global Standards)

ISO/IEC 17011 Standard of the International Organization for Standardization – Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies

ISO/IEC 17065 Standard of the International Organization for Standardization – Conformity assessment – Requirements for bodies certifying products, processes and services